

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CASE NO. 1:14-CV-954**

STUDENTS FOR FAIR ADMISSIONS, INC., §  
§  
Plaintiff, §  
§  
v. §  
§  
UNIVERSITY OF NORTH CAROLINA, et al., §  
§  
Defendants. §  
§  
\_\_\_\_\_ §

**DEFENDANTS' SECOND  
UNOPPOSED MOTION FOR  
EXTENSION OF TIME**

Pursuant to Fed. R. Civ. P. 6(b), and with the consent of the Plaintiff, Defendants hereby request an enlargement of time in which to serve an answer or other response to Plaintiff's Complaint. In support of this motion, Defendants state the following:

1. On November 17, 2014, Plaintiff filed its Complaint against the University of North Carolina ("UNC System"), the UNC Board of Governors and its individual members, and President Thomas W. Ross (collectively "UNC System Defendants"). Plaintiff's Complaint also names as defendants the University of North Carolina at Chapel Hill ("UNC-Chapel Hill"), the UNC-Chapel Hill Board of Trustees and its individual members, Chancellor Carol Folt, Executive Vice Chancellor and Provost James W. Dean, Jr., and Vice Provost of Enrollment and Undergraduate Admissions Stephen M. Farmer (collectively "UNC-Chapel Hill Defendants").

2. The UNC System Defendants and the UNC-Chapel Hill Defendants, through counsel, agreed to waive service on November 21, 2014 and December 1, 2014, respectively. Pursuant to Fed. R. Civ. P. 4(d)(3), the UNC System Defendants had until January 20, 2015 and the UNC-Chapel Hill Defendants until January 30, 2015 to file an answer or other response to Plaintiff's Complaint.

3. On January 12, 2015, the Defendants filed an Unopposed Motion for Extension of Time seeking a 45-day extension of time from the UNC System Defendants' deadline of January 20, 2015 for all Defendants to serve a response. The Court granted Defendants' motion on January 6, 2015, extending the responsive pleading deadline to March 6, 2015. This deadline has not passed.

4. As noted in Defendants' January 12 Motion, counsel for Defendants recently associated with outside counsel, namely the law firm of Skadden, Arps, Slate, Meagher & Flom LLP, to assist with litigation of this case. Outside counsel for the UNC-Chapel Hill Defendants was not formally retained until February 12, 2015, however. Although counsel has been diligently working since that time to become familiar with the case and otherwise advise its clients, Defendants seek a short extension of time in which to file a response.

5. In addition, defense counsel has met and conferred with counsel for the Plaintiff regarding a potential narrowing and streamlining of the parties and claims in this case. These discussions remain ongoing and could affect the form, scope, and content of the Defendants' response to the Complaint.

6. In light of the foregoing, Defendants seek a 10-day extension of time from March 6, 2015 to March 16, 2015 for all Defendants to respond to the Complaint.

7. Defendants do not seek the extension for any improper purpose.

8. Defense counsel has consulted with Plaintiff's counsel about the proposed extension. Plaintiff's counsel has indicated that they have no objection to the requested 10-day extension of time.

WHEREFORE, Defendants respectfully request the Court extend the deadline for serving their answer or other response up to and including March 16, 2015.

Respectfully submitted this 4th day of March, 2015.

/s/ Michael Scudder

Michael Scudder  
Skadden, Arps, Slate, Meagher & Flom, LLP  
155 North Wacker Drive  
Chicago, IL 60606-1720  
(312) 407-0877  
E: michael.scudder@skadden.com

/s/ Lisa Gilford

Lisa Gilford  
Skadden, Arps, Slate, Meagher & Flom, LLP  
300 South Grand Ave.  
Suite 3400  
Los Angeles, CA 90071  
(213) 687-5130  
E: lisa.gilford@skadden.com

ROY COOPER  
Attorney General

/s/ Stephanie Brennan

Stephanie Brennan  
Special Deputy Attorney General  
NC State Bar No. 35955  
E: sbrennan@ncdoj.gov

/s/ Matthew Tulchin

Matthew Tulchin  
Assistant Attorney General  
NC State Bar No. 43921  
E: mtulchin@ncdoj.gov  
NC Department of Justice  
Post Office Box 629  
Raleigh, NC 27602-0629  
T: (919) 716-6920  
F: (919) 716-6764  
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on March 4 2015, I electronically filed the foregoing **DEFENDANTS' SECOND MOTION FOR EXTENSION OF TIME** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following registered CME/ECF users:

Thomas R. McCarthy  
William S. Consovoy  
J. Michael Connolly  
CONSOVOY MCCARTHY PLLC

W. Ellis Boyle  
ELLIS BOYLE LAW PLLC

Attorneys for Plaintiff

This 4<sup>th</sup> day of March 2015

ROY COOPER  
Attorney General

/s/ Stephanie Brennan  
\_\_\_\_\_  
Stephanie Brennan  
Special Deputy Attorney General  
NC State Bar No. 35955  
E: sbrennan@ncdoj.gov

/s/ Matthew Tulchin  
\_\_\_\_\_  
Matthew Tulchin  
Assistant Attorney General  
NC State Bar No. 43921  
E: mtulchin@ncdoj.gov  
NC Department of Justice  
Post Office Box 629  
Raleigh, NC 27602-0629  
T: (919) 716-6920  
F: (919) 716-6764  
Attorneys for Defendants